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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/694,925 10/27/2003 Justin Monk 020375-043600US 5092 20350 07/16/2004 **EXAMINER** TOWNSEND AND TOWNSEND AND CREW, LLP FISCHETTI, JOSEPH A TWO EMBARCADERO CENTER ART UNIT PAPER NUMBER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 3627

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

c	Application No.	Applicant(s)
Office Action Summary	10/694,925	MONK, JUSTIN
	Examiner	Art Unit
The MAILING DATE of this communication and	Joseph A. Fischetti	3627
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with	the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	86(a). In no event, however, may a reply within the statutory minimum of thirty (3 iill apply and will expire SIX (6) MONTH: cause the application to become ABAN	be timely filed 0) days will be considered timely. 6 from the mailing date of this communication.
Status		
1)⊠ Responsive to communication(s) filed on <u>27 Oct</u> 2a)□ This action is FINAL . 2b)⊠ This 3)□ Since this application is in condition for allowant closed in accordance with the practice under <i>E</i> .	action is non-final. ice except for formal matters	
Disposition of Claims		
4) Claim(s) 1-22 is/are pending in the application. 4a) Of the above claim(s) 8-22 is/are withdrawn 5) Claim(s) is/are allowed. 6) Claim(s) 1-7 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or		
Application Papers		
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the d Replacement drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Examiner	epted or b) objected to by lrawing(s) be held in abeyance. on is required if the drawing(s) i	See 37 CFR 1.85(a). s objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list of	have been received. have been received in Appl ty documents have been rec (PCT Rule 17.2(a)).	ication No reived in this National Stage
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Sumr Paper No(s)/Mi 5) Notice of Inform 6) Other:	nary (PTO-413) ail Date nal Patent Application (PTO-152)

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-7, drawn to a method of generating a request, classified in class
 705, subclass 17.
- II. Claims 8-11 drawn to a method of processing, classified in class 705, subclass 53.
- III. Claims 12-22, drawn to a medium, classified in class 369, subclass 272.

During a telephone conversation with Atty. Boucher on 7/9/04 a provisional election was made with traverse to prosecute the invention of I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***.

Blossom discloses receiving at a POS device a cost (col. 3, line 28 card 10 may be used with a POS device which means a cost incurred) identifying an instrument associated with a stored-value account and a credit account (card 10), generating a request to select a distribution of the cost for the transaction among the stored-value

and credit accounts for presentation at the point-of-sale device (Blossom discloses use of his card in a conventional card reader which "allows a user to select a card feature" and which step of transmitting the cost payment to the financial institution is deemed obvious and old to the card reader art.

However Blossom does not disclose the stored-value account and the credit account linked substantially contemporaneously with issuance of the instrument to the customer. But, Melchione et al. do disclose such a feature wherein the system "in a single session" links an account with plural sources. It would be an obvious modification to Blossom to include the single session linking feature in order to link the stored value and the credit accounts at substantially the same time, the motivation being that this will keep both accounts as an option from the beginning of the card's use.

Re claim 2: Blossom discloses use of his card in a conventional card reader which "allows a user to select a card feature".

Re claims 3 and 4: official notice is taken with respect to which items are available for stored value points see e.g. frequent flyer points cannot be applied during holiday flights, and some retail businesses restrict what can be purchased by credit cards e.g. stamps and lotto tics are cash based only.

RE claim 5: see col. 7 lines 6-9 for display of stored value.

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Re claims 6 and 7: the step of applying only what is available in either credit or value to a cost and/or splitting same between them is deemed an old an obvious expedient.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

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